



**Attorney General
Betty D. Montgomery**

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FEDERAL COMMUNICATIONS COMMISSION
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Common Carrier Bureau
Network Service Division
Office of the Chief

FCC Network Services
Attn: Al McCloud
445 12th Street S.W. St. 6a207
Washington, D.C. 20554

Dear Mr. McCloud:

Please find enclosed the original and 4 copies of the Public Utilities Commission of Ohio's Reply Comments. I have enclosed a self-addressed stamped envelope for you to send me a date-stamped copy back.

Thank you for your kind attention to this matter.

Sincerely,

Jodi J. Bair
Assistant Attorney General
Public Utilities Section
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Columbus, Ohio 43215
(614) 466-4395
FAX: 644-8764

Enclosures

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

Received**NOV 03 1999**

In the Matter of)
)
 Public Utilities Commission of Ohio)
 Petition for Delegation of Additional)
 Authority to Implement Number)
 Conservation Measures)
)
 Implementation of the Local Competition)
 Provisions of the Telecommunications Act)
 of 1996)
)

Common Carrier Bureau
 Network Service Division
 Office of the Chief
 NSD File No. L-99-74
L-99-74

CC Docket No. 96-98

**PUBLIC UTILITIES COMMISSION OF OHIO'S REPLY COMMENTS REGARDING
ITS PETITION FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT
NUMBERING CONSERVATION MEASURES**

I. INTRODUCTION

The Public Utilities Commission of Ohio (PUCO) submits these Reply comments to the Federal Communications Commission (FCC) in response to other parties' comments regarding the PUCO's emergency petition for additional delegated authority pertaining to number conservation measures. The PUCO continues to support its request for authority to implement various number conservation measures.

Since 1996, Ohio has gone from four to eight area codes. Presently, Ohio is in the relief planning stages for four prematurely exhausting area codes. In order to prevent this premature exhaustion of area codes from occurring again, the FCC must give the Ohio Commission the necessary tools to administer an effective number conservation program. Contrary to some of the comments filed in this case, there is a need to act quickly because one of the area codes (330) is already past the optimal advance

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planning stage and the other three codes (440, 419, and 513) need relief planning immediately.¹

Through these reply comments, the PUCO supports its petition for additional delegated authority to implement numbering conservation measures and responds to the commenting parties that believe that this requested authority is unnecessary. Specifically, the PUCO requests that the FCC delegate to it the following authority:

1. Authority to enforce current standards for number allocation or to set and enforce new standards and requirements;
2. Order the return of unused, improperly used, reserved, and/or protected NXX codes (and/or thousand blocks number pooling);
3. Authority to order efficient number use practices within NXX codes;
4. Authority to investigate and order additional rationing measures;
5. Authority to require number pooling where and when the state determines it to be appropriate;
6. Authority to implement technology and/or service-specific overlays.

II. DISCUSSION

Several parties' comments argued that the various state requests for additional authority must not be granted because that would create conflicting standards among the states, and therefore, hinder the establishment of an efficient national numbering system.² These parties need to be mindful of the current numbering crisis. This situation dictates that some action be taken or there will be no uniformity on a state or national level. The FCC has issued an NPRM regarding number conservation and the states' authority to implement certain measures, yet the rules have not been issued.

¹ It is important to note that United States Telephone Association (USTA) simply asserts, without any factual basis, that Number Plan Area (NPA) exhaust may not be as critical as it [Ohio] believes them to be and much of the additional authority it is requesting may be unwarranted. USTA Comments at 4. As cited by the PUCO in its petition, the 1999 COCUS demonstrates that 4 NPAs in Ohio are nearing exhaust. 1999 COCUS NPA Exhaust Analysis, May 26, 1999.

Technology and the need for additional numbers will not sit back and wait for these guidelines to be developed. States must address the matters at hand.

The PUCO remains involved and interested in developing national number conservation guidelines and has no intention of hindering these national efforts. The PUCO understands that some Ohio measures may have to be modified when national guidelines are developed; however, most of the authority that the PUCO requests involves enforcement of already existing industry guidelines and/or authority already granted by the FCC to other state commissions.

It is also worthwhile noting that the PUCO's petition is supported by certain segments of the telecommunications industry. For instance, SBC suggested that Ohio launch an NPA by NPA investigation into the potential consumption rate for both full NXX codes and thousands-blocks in each of those NPAs and determine if pooling will extend the life of a given NPA by at least 2 years.³ The Ohio Commission Case No. 97-884-TP-COI (*In the Matter of the Commission's Investigation into Telephone Numbering and Number Assignment Procedures*), investigated code relief procedures and numbering issues in Ohio. Through this investigation, the PUCO explored intrastate policies that would ensure both the efficient use of numbers, and a fair, reasonable, systematic, and nondiscriminatory process for the implementation of new area codes.

Specifically, the Ohio Commission explored two specific issues in the proceeding: (1) the efficient use of available numbers, and (2) the appropriate development and implementation of new area code plans prior to number exhaust. One of the reasons for the rapid exhaust of an NPA is the traditional practice of assigning NXX codes in 10,000 number blocks to carriers on an exclusive basis, regardless of a carrier's actual

² AT&T Comments at 5; WinStar at i; USTA Comments at 3; and Personal Communications Industry Association Comments at 2.

demand for numbers. This is why the Ohio Commission requests that it be allowed to implement the more efficient demand-based NXX code requirements, such as number block administration and NXX reclamation, both of which are supported by SBC.⁴

The PUCO requested the authority to implement technology- and service-specific overlays as a numbering administration measure. The PUCO, as provided in its petition in this case, conducted an extensive survey that showed that business and residential customers were willing to accept wireless-only overlays. AT&T and Airtouch submitted comments,⁵ claiming that the PUCO's survey was not accurate in that it failed to ask about "take-backs" and failed to accurately reflect that a large number of the survey respondents found the overlay proposal to be unacceptable.

Despite the claims by these parties, the area code study conducted by the staff of the Public Utilities Commission of Ohio was a detailed scientific study that produced valid and reliable results. The research employed a random sampling methodology as described in the report. A confidence level of 95 percent is the convention employed in social science research. The margins of error for each of the four sections of the study are smaller than the conventional plus or minus 5 percent found in most social science research. The return rates for each of the four sections of the study were extremely high. This is, indisputably, a scientific study with valid and reliable results.

The size of the result or the meaning of frequency analyses are always subject to interpretation. Indeed, in any study, the meaning of the numbers is directly related to the subject matter of that study, and the numbers are accordingly relative. It is highly unusual to find in social science surveys a uniformity of opinion (or uniformity of behavior) to such a degree anywhere in our society such that a result of 90 percent, 95

³ SBC Comments at 6.

⁴ *Id.*

percent or 100 percent would be found to characterize any result. In fact, given the high degree of population diversity found in the State of Ohio, including diversity across income levels, and because this was a random sample, the generally favorable results from this study are, in fact, truly remarkable. Accordingly, the willingness to accept technology-specific overlays found in the results is a strong indication that Ohio's petition for this authority is supported by its citizenry, especially given the stringent standards employed in social science research which were faithfully followed by the PUCO staff in conducting this survey.

Quite troubling are the comments of Airtouch⁶ that infer that public policy should be based only upon unanimity of opinion in a state with a population of close to eleven million citizens. This is clearly absurd. Public policy could not be implemented under such conditions. Indeed, in Airtouch's own industry, there certainly would be no wireless towers placed anywhere if its high standards for consensus were in fact the way that public policy is conducted.

⁵ See Airtouch, Inc. Comments, at page 11; Comments of AT&T Corp, at pages 5-6.

⁶ Airtouch, Inc. Comments, at page 11.

III. CONCLUSION

The PUCO respectfully requests that the FCC grant the PUCO's Petition for Additional Authority implement to number conservation measures. With the grant of this additional authority, the PUCO can implement number conservation mechanisms to deal with the current numbering problems that continue to worsen.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jodi J. Bair", is written over a horizontal line.

Jodi J. Bair

Robert A. Abrams

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Date Submitted: November 3, 1999